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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,642	10/09/2003	Eric C. Rosen	030629	1206

23696 7590 12/16/2005

QUALCOMM, INC
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EXAMINER	
NGUYEN, TU X	

ART UNIT	PAPER NUMBER
2684	

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No. 10/683,642	Applicant(s) ROSEN ET AL.	
	Examiner Tu X Nguyen	Art Unit 2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 07 November 2005.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-40 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed 11/07/05 have been fully considered but they are not persuasive.

Applicants argue that "Independent claim 1 recites, inter alia, wherein at least one of the media communication restrictions includes allowing communication subject to an override command; allowing communication not subject to an override command', or denying communication." The support for the amendment comes from page 7 of the specification. Jonsson fails to teach or suggest at least these features. The Examiner applies Jonsson (col. 5, lines 54-57, col. 6, lines 9-10) and then asserts that low priority mentioned in Jonsson corresponds to restriction" in the Applicants' claimed invention. Without acquiescing to the propriety of this assertion, the claims have now been amended in a manner to render the rejection moot. The three types of communication restriction that have been amended into the claims are much more than simply assigning a low priority." The Examiner broadly interprets low priority corresponds to restriction, although Jonsson discloses "to enter an access code" (see col.5 lines51-52) is broadly interpreted as restriction, synonymous with permitting or not permitting by requesting an access code. Applicants newly added limitations are in alternative "at least one of", the Examiner respectfully submit that applicants assertion the three type of communication restriction is not presented as claimed.

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-40, are rejected under 35 U.S.C. 102(b) as being anticipated by Jonsson (US Patent 6,115,613).

Regarding claim 1, Jonsson discloses a method for restricting media communication in a wireless communication network, the method comprising:

receiving an indication from an originator for setting up a media communication session with at least one target (see col.6 lines 5-6);

applying at least one media communication restriction (see col.5 lines 51-52); and

sending a request for setting up the media communication if the originator is allowed to have media communication with the target (see col.6 lines 13-14); and

wherein at least one of the media communication verification includes: allowing communication subject to an override command (see col.5 54-56); allowing communication not subject to an override command; or denying communication.

Regarding claim 5, Jonsson discloses a computer-readable (see col.7 lines 5-10) medium embodying codes for implementing a method for restricting media communication in a wireless communication network, the method comprising:

receiving an indication from an originator for setting up a media communication session with at least one target (see col.6 lines 5-6);

applying at least one media communication restriction see (col.5 lines 54-57, col.6 lines 9-10); and

sending a request for setting up the media communication if the originator is allowed to have media communication with the target (see col.6 lines 13-14); and

wherein at least one of the media communication verification includes: allowing communication subject to an override command (see col.5 54-56); allowing communication not subject to an override command; or denying communication.

Regarding claim 9, Jonsson discloses an apparatus for restricting media communication in a wireless communication network (see fig.1), comprising:

means for receiving an indication from an originator for setting up a media communication session with at least one target (see col.6 lines 5-6);

means for applying at least one media communication restriction (col.5 lines 54-57, col.6 lines 9-10); and

means for sending a request for setting up the media communication if the originator is allowed to have media communication with the target (see col.6 lines 13-14); and

wherein at least one of the media communication verification includes: allowing communication subject to an override command (see col.5 54-56); allowing communication not subject to an override command; or denying communication.

Regarding claim 13, Jonsson discloses an apparatus for restricting media communication in a wireless communication network, comprising:

a memory unit (see col.3 lines 15-20);

a receiver (see col.4 lines 50-51, “base station” is inherent includes a receiver);

a transmitter (see col.4 lines 50-51, “base station” is inherent includes a transmitter); and

a processor coupled to the memory unit, the receiver, and the transmitter, the processor (see col.7 lines 5-10, service node inherently includes a processor in order to operational functionality of software and hardware) being capable of:

receiving an indication from an originator for setting up a media communication session with at least one target (see col.6 lines 5-6);

applying at least one media communication restriction (col.5 lines 54-57, col.6 lines 9-10); and

sending a request for setting up the media communication if the originator is allowed to have media communication with the target (see col.6 lines 13-14); and

wherein at least one of the media communication verification includes: allowing communication subject to an override command (see col.5 54-56); allowing communication not subject to an override command; or denying communication.

Regarding claim 17, Jonsson discloses a method for restricting media communication in a wireless communication network, the method comprising:

receiving an indication from an originator for setting up a media communication session with at least one target (see col.6 lines 5-6);

applying at least one media communication restriction (see col.5 lines 54-57, col.6 lines 9-10, " low priority" corresponds to "restriction"); and

sending a media communication announcement to the target if the target is not restricted to receive media communication from the originator (see col.6 lines 15-25); and

wherein at least one of the media communication verification includes: allowing communication subject to an override command (see col.5 54-56); allowing communication not subject to an override command; or denying communication.

Regarding claim 20, Jonsson discloses a computer-readable (see col.7 lines 5-10) medium embodying codes for implementing a method for restricting media communication in a wireless communication network, the method comprising:

receiving an indication from an originator for setting up a media communication session with at least one target (see col.6 lines 5-6);

applying at least one media communication restriction (see col.5 lines 54-57, col.6 lines 9-10, " low priority" corresponds to "restriction"); and

sending a media communication announcement to the target if the target is not restricted to receive media communication from the originator (see col.6 lines 15-25); and

wherein at least one of the media communication verification includes: allowing communication subject to an override command (see col.5 54-56); allowing communication not subject to an override command; or denying communication..

Regarding claim 23, Jonsson discloses an apparatus for restricting media communication in a wireless communication network, the method comprising:

means for receiving a request from a communication device for setting up a media communication session with at least one target (see col.6 lines 5-6);

means for applying at least one media communication restriction (see col.5 lines 54-57, col.6 lines 9-10, " low priority" corresponds to "restriction"); and

means sending a media communication announcement to the target if the target is not restricted to receive media communication from the originator (see col.6 lines 15-25); and

wherein at least one of the media communication verification includes: allowing communication subject to an override command (see col.5 54-56); allowing communication not subject to an override command; or denying communication.

Regarding claim 26, Jonsson discloses an apparatus for restricting media communication in a wireless communication network, comprising:

a memory unit (see col.3 lines 15-20);

a receiver (see col.4 lines 50-51, "base station" is inherent includes a receiver);

a transmitter (see col.4 lines 50-51, "base station" is inherent includes a transmitter); and

a processor coupled to the memory unit, the receiver, and the transmitter, the processor (see col.7 lines 5-10, service node inherently includes a processor in order to operational functionality of software and hardware) being capable of:

receiving an indication from an originator for setting up a media communication session with at least one target (see col.6 lines 5-6);

applying at least one media communication restriction (col.5 lines 54-57, col.6 lines 9-10); and

sending a media communication announcement to the target if the target is not restricted to receive media communication from the originator (see col.6 lines 15-25); and

wherein at least one of the media communication verification includes: allowing communication subject to an override command (see col.5 54-56); allowing communication not subject to an override command; or denying communication..

Regarding claim 29, Jonsson discloses a method for restricting media communication in a wireless communication network, the method comprising:

receiving an indication from an originator for setting up a media communication session with at least one target (see col.6 lines 5-6);

applying at least one media communication restriction (see col.5 lines 54-57, col.6 lines 9-10, " low priority" corresponds to "restriction"); and

sending an acceptance setting up the media communication if the originator is allowed to have media communication with the target (see col.6 lines 13-14, "response" reads on "acceptance"); and

wherein at least one of the media communication verification includes: allowing communication subject to an override command (see col.5 54-56); allowing communication not subject to an override command; or denying communication.

Regarding claim 32, Jonsson discloses a computer-readable (see col.7 lines 5-10) medium embodying codes for implementing a method for restricting media communication in a wireless communication network, the method comprising:

receiving an indication from an originator for setting up a media communication session with at least one target (see col.6 lines 5-6);

applying at least one media communication restriction (see col.5 lines 54-57, col.6 lines 9-10, " low priority" corresponds to "restriction"); and

sending an acceptance setting up the media communication if the originator is allowed to have media communication with the target (see col.6 lines 13-14, "response" reads on "acceptance"); and wherein at least one of the media communication verification includes: allowing communication subject to an override command (see col.5 54-56); allowing communication not subject to an override command; or denying communication.

Regarding claim 35, Jonsson discloses an apparatus for restricting media communication in a wireless communication network, the method comprising:

means for receiving a request from a communication device for setting up a media communication session with at least one target (see col.6 lines 5-6);

means for applying at least one media communication restriction (see col.5 lines 54-57, col.6 lines 9-10, " low priority" corresponds to "restriction"); and

means for sending an acceptance for setting up the media communication if the originator is allowed to have media communication with target (see col.6 lines 13-14, "response" reads on "acceptance"); and

wherein at least one of the media communication verification includes: allowing communication subject to an override command (see col.5 54-56); allowing communication not subject to an override command; or denying communication.

Regarding claim 38, Jonsson discloses an apparatus for restricting media communication in a wireless communication network, comprising:

a memory unit (see col.3 lines 15-20);

a receiver (see col.4 lines 50-51, "base station" is inherent includes a receiver);

a transmitter (see col.4 lines 50-51, "base station" is inherent includes a transmitter); and a processor coupled to the memory unit, the receiver, and the transmitter, the processor (see col.7 lines 5-10, service node inherently includes a processor in order to operational functionality of software and hardware) being capable of:

receiving a media communication announcement for setting up a media communication session with at least one target (see 301, fig.2);

applying at least one media communication restriction on the originator (col.5 lines 54-57, col.6 lines 9-10); and

sending an acceptance for setting up the media communication if the originator is allowed to have media communication with target (see col.6 lines 13-14, “response” reads on “acceptance”); and

wherein at least one of the media communication verification includes: allowing communication subject to an override command (see col.5 54-56); allowing communication not subject to an override command; or denying communication.

Regarding claims 2, 6, 10 and 14, Jonsson discloses applying at least one media communication restriction includes applying at least one outbound media communication restriction (see col.6 lines 60-65).

Regarding claims 3, 7, 11, 15, 19, 22, 25, 28, 31 and 34, Jonsson discloses said applying at least one media communication restriction includes applying at least one carrier-level media communication restriction (see col.7 lines 35-36, “low traffic, peak hours” corresponds to “carrier level”).

Regarding claims 4, 8, 12, 16, 37 and 40, Jonsson discloses said applying at least one media communication restriction includes applying at least one user-level media communication restriction (see col.5 lines 54-59 "entry of authorized access code" corresponds to "user-level").

Receiver claims 18, 21, 24, 27, 30, 33, 36 and 39Jonsson discloses said applying at least one media communication restriction includes applying at least one inbound media communication restriction (see col.6 lines 26-48).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed Tu Nguyen whose telephone number is 571-272-7883. The examiner can normally be reached on Monday through Friday from 8:30AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

TN

December 9, 2005

EDAN ORGAD
PATENT EXAMINER/TELECOMM.
EO. 12/8/05